

women nominated to U.S. district courts.

That is not real smart. I do not quite understand it, and I hope the leadership and the President will speak to those who object in this way because I have heard all kinds of rhetoric today about how it is difficult if you are a woman or minority to get your nomination approved. In fact, I believe the record will show over the last 3 years this Congress and the previous Congress has confirmed a higher percentage of women and minorities than any Congress in history.

I do note it is pretty hard to go back and look at all the nominations and determine exactly how many minorities were approved because there is no record. We do not check whether you are a minority—African American or Hispanic or Asian. You are a person. All we can tell by your name is if you are a man or woman. Based on just the gender statistic, in fact, since I have been majority leader, I believe the record will show we have approved a lot more women than George Mitchell did when he was majority leader.

These accusations that were made today ring hollow. I hate to see the Senate stoop to that level. I met with White House officials today and told them we were going to try to clear these 27 nominations, and we will keep trying to move them all. I do not think it is reasonable to try to hold up one 6-year-term nominee to try to get two lifetime nominees to the Ninth Circuit Court of Appeals, a circuit that already has too many activist judges in it, a circuit that is the most liberal in this country, a circuit that is overruled more than any other circuit in the country by the Supreme Court, a circuit basically that is out of control. The nominees for these two positions have given rise to a great deal of controversy, to serious questions about whether they would be activists on the court, and to grave concerns about their records.

I understand the objection, and hopefully we can clear it up early tomorrow or next week. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

#### IN HONOR OF JOHN CHAFEE

Mr. BENNETT. Mr. President, I was in New York on Monday to hold a hearing of the Y2K Committee when Senator MOYNIHAN, a member of that committee, joined me. I greeted him with the normal good humor that we greet one of our colleagues, but he did not respond in good humor. Instead, he said to me: I have very sad news. I was a little surprised at that and asked him what was so significant as to cause him to be so downcast. He said: John Chafee died. That was very sad news, indeed.

I was stunned, along with my colleague from New York, and had to reflect on how recently I had seen John

Chafee, spoken with him, found him in good spirits, if not in good health. Indeed, I thought he was in good health.

On Friday of last week, I was addressing a group of students from the State of Utah answering their questions about the Senate and Senate procedure and Senate life and was interested when I got a question that I often get from people outside of the political arena. It was: Tell us about life as a Senator. And specifically this question was: Tell us about the Senators. Then the questioner said: Tell us who your friends are.

That is always an interesting question. You want to be careful about the answer because you do not want to offend anyone by leaving them out. But I said to that group on Friday: I have many friends in the Senate, but one of my closest friends is John Chafee.

I put those two incidents over the weekend together. On Friday, I am citing the name of John Chafee as one of my closest friends, and on Monday, one of my other friends in this body tells me of John's passing.

I have waited until now to take the floor to pay tribute to John Chafee, partly because of the press of business and partly because I was afraid I could not keep my composure. Those who know me well know my emotions sometimes run very close to the surface. I get dewy-eyed at the dedication of a parking lot. For that reason, an occasion such as this one can be a difficult one. At the same time, however, I want to look at the death of John Chafee from a slightly different perspective.

We mourn his passing. We become emotional at the thought of his loss. But we should recognize in many ways this is a time for rejoicing.

I have had the experience, along with many others, of dealing with aging parents. My father was 95, my mother 96, when they passed away—neither one of them in good health.

My mother dealt with an aging parent in her lifetime, a father who had a stroke and then lingered for a number of years thereafter. Mother used to say to us: If I'm killed in an automobile accident, rejoice. I don't look forward to going through old age.

When people retire, very often they go downhill rapidly. John showed no signs of that, but his health was failing. He had been in the hospital for a back problem. He was not an old man by my standards. Seventy-seven seems increasingly younger as I get closer to it myself. But I think of the possibility of John Chafee running downhill in old age. I think we might rejoice that he was spared that.

John Chafee left at the top of his game, at the top of his form. He was a Senator's Senator. He was involved in everything. We did not vote together very often, but when we did, he was always grateful; and when we did not, he was always understanding. I never had an occasion where John Chafee was disapproving.

We stood together on one issue where we were two of four Republicans—one of the occasions where we crossed the line; John did that more often than I—to join with a group of Democrats. That was the flag amendment. John and I both had great reverence for the flag of the United States, but we felt our reverence for the Constitution outweighed that and that the Constitution should not be amended to deal with a nonexistent problem because flag burning is no longer going on in the United States, except by those who want to goad us into attempting to amend the Constitution. At least that is the way I saw it and that is the way John saw it. He was always friendly and supportive when we had those kinds of problems.

The thing I will remember the most about John Chafee, as a Senator's Senator, was the way he would go after problems and not people, the way he would tackle challenges and not the challengers, the way he would maintain a constant good humor, even in the face of difficulties within his own party or difficulties from across the aisle.

It is a time for rejoicing, rejoicing because we had the privilege of dealing with this man, right up to the end of his life, and then seeing him spared the long good-bye that we are seeing in others—Ronald Reagan, for example. I think if John Chafee were given the choice, he would take the choice the Good Lord has given him rather than lingering on in some crippled fashion. He had a weak heart, weaker than any of us knew. The possibility of that kind of situation was perhaps there, but I am following the advice of my mother, who, looking at the possibility of an old age, said: If I'm taken suddenly, don't mourn. Rejoice.

There is very little I think we can add to the accomplishments of John Chafee's life. We can rejoice that we knew him, served with him, and we were with him right up to the moment where he left, as I say, at the top of his game.

I extend my deepest sympathies and condolences to his family. I have met both his wife and his son. I know what fine people they are. I know how desperately they feel this loss.

#### ORDERS FOR FRIDAY, OCTOBER 29, 1999

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Friday, October 29. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin 30 minutes of debate equally divided between the two leaders on H.R. 434, the African trade bill. I further ask consent that the cloture vote occur at 10 a.m. on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. BENNETT. For the information of all Senators, the Senate will begin debate on the African trade bill at 9:30 a.m. Following 30 minutes of debate, the Senate will proceed to a cloture vote on the Roth substitute amendment to the trade bill. Therefore, the first vote will occur at approximately 10 a.m.

If cloture is not invoked on the trade bill, it is the majority leader's intention to move on to other legislative items. This trade bill has been the pending business for 1 week, as of tomorrow's date. One week is precious time when the end of a congressional session is near. The majority leader will, of course, notify the minority leader as to the next legislative item that he intends to bring up.

The Senate may also begin consideration of the conference report to accompany the D.C./Labor-HHS bill, with the vote anticipated early next week.

#### ORDER FOR ADJOURNMENT

Mr. BENNETT. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

#### COMMENDING SENATOR BENNETT

Mr. GRAHAM. Mr. President, I have a statement to make on legislation which I will introduce this evening. But prior to that, I express my gratitude for the eloquence of the remarks the Senator from Utah has just delivered on behalf of our friend, John Chafee. Many of us have attempted to reach into our souls and express the depth of our affection for this special man. The Senator from Utah has succeeded in that effort. I commend him and thank him for sharing those emotions.

Mr. President, I have a second item before I turn to my remarks for purposes of an introduction.

#### THE TAX EXTENDER BILL

Mr. GRAHAM. Mr. President, I have exercised the prerogative, which is each Senator's, to place a hold, which means legislation cannot be brought up without at least referring to and discussing it with the Senator who has placed the hold. In this case, I did so on the legislation which is commonly referred to as the tax extender bill. This is legislation which extends the life of a number of current tax provisions. As a member of the Finance Committee, I support this legislation and I will vote

for this legislation. I am going to announce publicly that I am withdrawing the hold I had on that legislation. I will give a brief explanation.

First, I am doing so because I think, in the spirit of comity and the effort to get important work accomplished during what I hope will be the relatively few days remaining in this first session of the 106th Congress, it is appropriate to allow the Senate to take up this legislation without further delay insofar as it is the product of my action.

Second, an explanation of why I imposed the hold in the first instance: I supported this legislation. I supported it in large part because it meets what I think is a fundamental test—it is paid for. This legislation contains increases in certain taxes sufficient to cover the cost of the tax relief which will be made available through the extenders. Not to do that would have had the effect of dipping into the surplus. Now that means dipping into the Social Security surplus, since we have already spent the non-Social Security surplus. This bill meets the test of being fiscally prudent.

However, I alert the Senate that there was another bill, which in many ways was a companion of the tax extender legislation, voted out of the Finance Committee almost simultaneously with the tax extender legislation. That is legislation which will provide for increases in the reimbursement level to providers of various health care services under the Medicare program. Again, I support the concept that there is a justifiable case for increasing those reimbursements. We have done so, in this legislation that the Senate will possibly soon be considering, in the amount of approximately \$1 billion in fiscal year 2000, \$5 billion in fiscal year 2001, and an additional \$9 billion over the next 8 years, for a total of \$15 billion.

My criticism of that legislation is, unlike the tax extender bill, it is not paid for. Therefore, we will be asked to vote for \$15 billion of additional spending, which will have to come directly out of the Social Security surplus. It had been my intention, by holding the tax extender bill, to propose an amendment to the tax extender bill which would have been the additional reimbursement for Medicare providers but with an appropriate offset so that there would be \$15 billion either of reduced spending elsewhere or additional taxes to pay for the additional reimbursement for Medicare providers. It had been my thought that by merging these two bills together and using this as an opportunity to provide the offsets for the Medicare reimbursement increases, we would be able to send to the House of Representatives legislation which it might both consider and favorably vote upon.

It now appears that, in fact, we are not going to take up the increased reimbursement to Medicare providers, at least not take it up as separate legislation. Rather, it will be either delayed

to some future date or taken up as part of the likely end-of-session major financial compromise.

It appears as if there is no purpose to be gained by holding the tax extender bill for purposes of offering an amendment to a bill which is not going to be taken up anyway. For those somewhat convoluted reasons, but reasons which I hope will be satisfactory to the Members of the body, my colleagues, I am announcing that I am lifting the hold on the tax extender bill. It is my hope that we will soon pass it and that it will serve as a model for other legislation when we decide that it is important enough to extend a tax benefit to a certain class of taxpayers, or important enough to increase spending in the form of additional appropriations to certain citizens of this country, that we will have the fortitude to make the judgment as to how we are going to pay for either those reductions in revenue from one source or increase in appropriations to another.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 1827 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent I be allowed to proceed as in morning business for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank the Chair because I know it is extending beyond the time which the Senate was to be in session, and as always I appreciate his courtesy.

#### COMMENDATION OF SENATOR GRAHAM

Mr. LEVIN. Mr. President, before the Senator from Florida leaves the floor, let me commend him for a very visionary statement about education, the need for an additional large number of teachers, and the vast source of knowledge which we can tap if we utilize people who have had a previous occupation and then are willing to go into teaching, which surely is as high a calling as exists, I believe, anywhere in the world. Teachers should be placed way up there on a pedestal, as far as I am concerned, because of the responsibilities they are given and the commitment so many of them have shown.

I want to extend my congratulations to the Senator from Florida for selecting an area where we can really make a contribution through legislation to not only our children but to students at whatever age through the use of these great pools of talent he has identified.

#### IN HONOR OF SENATOR JOHN CHAFEE

Mr. LEVIN. Mr. President, every Member of our Senate family was